IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

CRL.A.No. 72 of 2001()

CC.1017/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG
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APPELLANT: COMPLAINANT

MOHANKAMATH, AGED 50 YEARS,
S/O. LAKSHMANAKAMATH,
PRASATH SADAN,
HOSDURG, P.O. KANHANGAD.

BY ADV. SRI.M.THAMBAN

RESPONDENTS: ACCUSED & STATE
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1. B.KARUNAKARA, AGED 55 YEARS,
SUBAIDAR HOUSE,
NEAR RAILWAY GATE, PALLIKKARA P.O.,
PALLIKKARA.

2. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO. 72 of 2001

DATED THIS THE 10TH DAY OF JULY 2007

JUDGMENT

The appellant is the complainant in C.C.No. 1017/1999 in the file of the Judicial Magistrate of First Class-I, Hosdurg with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 9-8-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.72 of 2001

JUDGMENT

10-7-2007

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